

## **REGULATION III - CONTROL OF AIR CONTAMINANTS**

### **RULE 314 OPEN OUTDOOR FIRES**

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**MARICOPA COUNTY  
AIR POLLUTION CONTROL REGULATIONS**

**REGULATION III - CONTROL OF AIR CONTAMINANTS**

**RULE 314  
OPEN OUTDOOR FIRES**

**SECTION 100 - GENERAL**

**101 PURPOSE:** To limit the emissions of air contaminants produced from open burning.

**SECTION 200 - DEFINITIONS:** For the purpose of this rule, the following definitions shall apply:

**201 AIR CURTAIN DESTRUCTOR** - A device designed to form a curtain of air over a pit.

**202 FENCE ROW** - A lateral area not to exceed two and one half feet on either side of the center line of a fence.

**203 OPEN OUTDOOR FIRE** - Any combustion of material of any type outdoors, where the products of combustion are not directed through a flue.

**204 PUBLIC OFFICER** - Any elected or appointed officer of a public agency established by charter, ordinance, resolution, state constitution or statute, but excluding members of the legislature.

**SECTION 300 - STANDARDS**

**301 PROHIBITION - OPEN OUTDOOR FIRES:** It shall be unlawful for any person to ignite, cause or permit to be ignited, allow, or maintain any open outdoor fire within the limits of Maricopa County, except as provided in Section 302 of this rule.

**302 EXEMPTIONS:** The provisions of Section 301 of this rule shall not apply to:

**302.1** Fires used only for the domestic cooking of food, for providing warmth for human beings, for recreational purposes and for the branding of animals, or

the use of orchard heaters for the purpose of frost protection in farming or nursery operations.

**302.2** Fires permitted by the Arizona Department of Environmental Quality for the disposal of dangerous material where there is no safe alternative method of disposal.

**302.3** Any exemption permitting open burning that is granted pursuant to the Arizona Administrative Code shall stipulate the conditions and the time of day most advantageous for minimizing air pollution and protecting the health, safety and comfort of persons from the effects of the burning. Fires permitted subject to these stipulations are:

**a.** Fires declared as necessary in writing to the Control Officer by:

- (1)** The County Agricultural Agent or State Entomologist when such burning has been determined and certified by actual investigation as essential for the purposes of disease and/or pest prevention.
- (2)** Any public officer in the performance of official duty for the control of weeds, the prevention of a fire hazard, or instruction in the fighting of fires.
- (3)** The Federal Government or any of its departments, agencies or agents, the state or any of its agencies, departments or subdivisions, for the purpose of watershed rehabilitation or control through vegetative manipulation.

**b.** Fires permitted by the Control Officer for the burning of agricultural ditch banks, fence rows and canal laterals using high temperature mechanical burners where no reasonable mechanical, chemical or other methods of removal are available; and where other reasonable methods are not available for the destruction of tumbleweeds.

**c.** Fires permitted by the Control Officer for the purpose of bona fide land clearance for construction or agricultural operations.

**302.4** Fires for the burning of indigenous scrub vegetation in non-urban areas of low population density may be allowed where no reasonable alternative exists and will be approved only once per geographical location. Scrub brush shall be placed in piles of a size stipulated by the Control Officer and

burning shall be conducted during hours and meteorological conditions determined by the Control Officer to be most likely to minimize adverse effects of resulting air contaminants.

- 302.5** Fires for the burning of certain material not outlined above may be allowed using an air curtain destructor. The material to be burned, the type and size of the equipment, and any other relevant condition or consideration shall be at the discretion of the Control Officer. The visible emissions from the operation of air curtain destructors shall comply with the provisions of Rule 300 of these Regulations.

#### **SECTION 400 - ADMINISTRATIVE REQUIREMENTS**

- 401 FEES REQUIRED:** A fee shall be charged for Permits to Burn as set forth in Section 302.6 in Rule 280 of these Regulations.
- 402 FIRE DEPARTMENT VALIDATION REQUIRED:** The issuance by the Control Officer of a Permit to Burn does not release the permittee from any of the requirements of a fire department having jurisdiction, and a permit so issued must be validated by said fire department to be effective. Open burning at a time or in a manner contrary to the stipulations of the Control Officer shall constitute a violation of this rule.

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